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Financing of the International Residual Mechanism for Criminal Tribunals

Report of the Fifth Committee

Rapporteur: Ms. Diana Minyi **Lee** (Singapore)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-first session the item entitled "Financing of the International Residual Mechanism for Criminal Tribunals" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 20th and 23rd meetings, on 13 and 23 December 2016. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records.[1]

3. For its consideration of the item, the Committee had before it the following documents:

(a) Financial report and audited financial statements for the year ended 31 December 2015 and report of the Board of Auditors on the Mechanism (A/71/5/Add.15);

(b) First performance report of the Secretary-General on the budget of the Mechanism for the biennium 2016-2017 (A/71/579);

(c) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/71/671).

[1] A/C.5/71/SR.20 and A/C.5/71/SR.23.

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II. Consideration of draft resolution A/C.5/71/L.9

4. At its 23rd meeting, on 23 December, the Committee had before it a draft resolution entitled "Financing of the International Residual Mechanism for Criminal Tribunals" (A/C.5/71/L.9), submitted by the Chair on the basis of informal consultations coordinated by the representative of New Zealand.

5. At the same meeting, the Committee adopted draft resolution A/C.5/71/L.9 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Residual Mechanism for Criminal Tribunals

The General Assembly,

Having considered the first performance report of the Secretary-General on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2016-2017,[1] the related report of the Advisory Committee on Administrative and Budgetary Questions,[2] the financial report and audited financial statements for the year ended 31 December 2015 and the report of the Board of Auditors on the Mechanism[3] and the recommendations contained therein,

Recalling its resolution 66/240 A of 24 December 2011 on the financing of the International Residual Mechanism for Criminal Tribunals and its subsequent resolutions thereon, the latest of which was resolution 70/243 of 23 December 2015,

1. *Takes note* of the first performance report of the Secretary-General on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2016-2017;

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[2]

3. *Decides* that any residual liquidation activities that remain after the completion of the substantive work of the International Tribunal for the Prosecution of the Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 shall be undertaken by the Mechanism;

4. *Notes* the transfer of an overexpenditure in the amount of 3,700,000 United States dollars from the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 to the Mechanism, and requests the Secretary-General to report on the treatment of the amount of the overexpenditure in the context of his second performance report for the biennium 2016-2017 on the budget of the Mechanism;

5. *Decides* on a revised appropriation to the Special Account for the International Residual Mechanism for Criminal Tribunals of a total amount of

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[1] A/71/579.

[2] A/71/671.

[3] *Official Records of the General Assembly, Seventy-first Session, Supplement No. 5O* (A/71/5/Add.15).

135,747,700 dollars gross (125,153,500 dollars net) for the biennium 2016-2017, as detailed in the annex to the present resolution;

6. *Also decides*, for the year 2017, to apportion among Member States, in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year, the amount of 33,522,800 dollars gross (30,840,425 dollars net), including 828,250 dollars gross (895,900 dollars net), being the decrease in assessments;

7. *Further decides*, for the year 2017, to apportion among Member States, in accordance with the rates of assessment applicable to peacekeeping operations of the United Nations for the year, the amount of 33,522,800 dollars gross (30,840,425 dollars net), including 828,250 dollars gross (895,900 dollars net), being the decrease in assessments;

8. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 7 and 8 above, their respective share in the Tax Equalization Fund in the amount of 5,364,750 dollars, including 135,300 dollars, being the increase of the estimated staff assessment income approved for the Mechanism for the biennium 2016-2017.

Annex

Financing for the biennium 2016-2017 of the International Residual Mechanism for Criminal Tribunals

	Gross	*Net*
	(United States dollars)	
Initial appropriation for the biennium 2016-2017 (resolution 70/243)	137 404 200	126 945 300
First performance report for the biennium 2016-2017 (A/71/579)	(1 656 500)	(1 791 800)
Recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/71/671)	–	–
Recommendations of the Fifth Committee	–	–
Revised appropriation for the biennium 2016-2017	**135 747 700**	**125 153 500**
Less: Assessment for 2016	68 702 100	63 472 650
Balance to be assessed for 2017	**67 045 600**	**61 680 850**
Including:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2017	33 522 800	30 840 425
Contributions assessed on Member States in accordance with the rates of assessment applicable to peacekeeping operations of the United Nations for 2017	33 522 800	30 840 425